

Appl. No. 10/765,106
Amd. dated June 20, 2005
Reply to Office Action of 03/28/2005

REMARKS

**Reconsideration And Allowance
Are Respectfully Requested.**

Claims 1-15 are currently pending. No claims have been amended. No claims have been canceled. No new claims have been added. No new matter has been added. Reconsideration is respectfully requested.

With regard to the outstanding prior art rejections, claims 1, 2, 4-7, 9-12, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,511,386 to Cacicedo in view of U.S. Patent No. 6,506,128 to Bloom, Jr., U.S. Patent No. 5,152,533 to Radakovich and U.S. Patent No. 5,085,891 to Takeuchi. Claims 3, 8 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cacicedo in view of Bloom, Radakovich and Takeuchi and further in view of U.S. Patent No. 5,779,559 to Eberle or U.S. Patent No. 4,426,083 to Dishner, Jr. Claims 6, 7, 9-12, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bloom, Jr. in view of Radakovich and Takeuchi. Claims 8 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bloom in view of Radakovich and Takeuchi and further in view of Eberle or Dishner, Jr. Claims 11, 12 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Radakovich and Takeuchi. Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Radakovich and Takeuchi and further in view of Eberle or Dishner, Jr. These rejections are respectfully traversed in view of the following remarks.

With regard to all of the pending independent claims, Applicant has set forth a unique alignment system for putters which is neither disclosed, taught nor shown in the prior art. The combination of references cited in the Office Action fails to teach, individually or when combined, the claimed

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intersecting lines on the end of a golf club handle.

The Office Action generally relies upon a combination of Radakovich and Takeuchi to teach Applicant's invention. In particular, the Office Action states that Radakovich lacks alignment lines being indicia. The Office Action further states Takeuchi discloses lines for grip positioning on a shaft being on a flat surface of a grip and being indicia filling up the entire length and width of a grip top flat surface except the center. The Office Action then contends that in view of the teachings of Takeuchi it would be obvious to modify Radakovich to have the alignment lines being indicia and taking up the entire length, width and center of a grip top flat surface to minimize the number of parts needed for a grip and in order to be more visible.

The Office Action, however, overlooks the fact that neither of these references show or teach intersecting lines as alignment indicia on the end of a putter type club handle. The Office Action further overlooks the fact that neither of these references disclose, teach or show intersecting lines as indicia on the end of a club handle. It applicant's opinion these two references aren't even combinable and, even if somehow combinable, don't result in Applicant's claimed invention.

Radakovich fails to teach the claimed alignment system. In fact, Radakovich's alignment system is for a golf swing not a putting stroke. Those skilled in the art appreciate that a traditional iron or wood golf swing is very different from a putting stroke. The device of Radakovich is intended to be adjustable whereas Applicant's lines are fixed indicia. Still further, the embodiment relied upon in Figure 4 is a tilted mini sighting member 90 and, as such, indicates that Radakovich has no desire for this embodiment to lie flat on the butt end of the grip. The tilt is necessary, as it allows the golfer to maintain the bottom surface 23 parallel to the playing surface 12. Thus, in order to operate the

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alignment system disclosed by Radakovich, the device must be adjusted to take into consideration the level of the playing surface before each swing.

Modifying Radakovich as suggested in the Office Action would destroy the invention contemplated by Radakovich. That is, converting the tilted mini sighting member 90 into indicia lines as proposed would render the device inoperative, as it would no longer be able to tilt and provide its desired function.

Takeuchi fails to teach the claimed alignment system and/or intersecting lines. Takeuchi does show lines 5a, 6, 7 and 8 on the end of a golf club handle, but none of these lines intersect. In fact, Takeuchi has no desire for the indicia lines to intersect as intersecting lines would be contrary to Takeuchi's invention. The length of the lines disclosed by Takeuchi are different so one can easily distinguish the angular intervals when adjusting the grip's position. For example, short lines 8 indicate 11.25 degrees and slightly longer lines 7 indicate 22.5 degrees and long lines 6 indicate 45 degrees and lines 5a function as reference lines. When fitting the grip of Takeuchi on a shaft the angle of the grip can be easily determined by knowing the distinction between gradation lines. Ergo, if the lines intersected they would no longer function as gradations as the lines would not be readily distinguishable from one another.

Again, the lines disclosed by Takeuchi in the Abstract are to enable "a golfer to fit the grip on the rear portion of the club shaft so that a fitting angle of the grip relative to a club face is accurately easily adjusted to a correct angle in accordance with his particular putting".

Still further, Takeuchi does not teach intersecting indicia lines as this would be contrary to Takeuchi teachings. Thus, even if somehow there was motivation to combine the teachings of Takeuchi

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and Radakovich, the likelihood of success in producing Applicant's invention does not exist.

Applicant's alignment marks must intersect. The cross-hair alignment marks on the top of the putter handle are in a direct line of sight of the golfer as he applies his hands to the handle and lines up the putt with the intended target. The longer alignment line, across the longitudinal axis of the oval cross section of the top of the handle, is preset exactly at 90° to the plane of the putter face and, therefore, reflects the direction the putter face is aimed toward the intended target. The second line of the cross hair is parallel to the direction of the putter face. Once an intended target line is selected, this second line must be perpendicular to the target direction line in order for the club face to be square to the target. The golfer is able to use these alignment marks in conjunction with similar markings on the putter head as an aid to putter head alignment, as well as stroke direction, to ensure the club face is maintained perpendicular to the target during the execution of a putting stroke.

With regard to motivation to combine, the one set forth in the Office Action clearly does not come from the references themselves and appears merely to be made up in order to formulate a rejection. Neither Radakovich nor Takeuchi discuss or teach having alignment lines being indicia and taking up the entire length, width and center of a grip top flat surface "in order to minimize parts needed for a grip". Further, neither Radakovich nor Takeuchi discuss or teach having alignment lines being indicia and taking up the entire length, width and center of a grip top flat surface "in order to be more visually visible for a golfer by using the entire surface for the alignment indicia". Still further, Radakovich is for swing alignment and Takeuchi is for grip alignment so neither is concerned with the same problem. As such it appears impermissible hindsight is being used to stretch two references to create a rejection.

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Alignment for a golf putting stroke as claimed is not the same as fitting a grip on a club shaft as disclosed by Takeuchi or alignment for a golf swing as taught by Radakovich. Further, as discussed above, intersecting lines would be contrary to the Takeuchi invention and fixing indicia lines would be contrary to Radakovich. Still further, the combined teachings of Radakovich and Takeuchi would fail to produce Applicant's claimed invention.

Since all of the claims include the limitation of intersecting indicia lines and this feature has now been shown to be novel and not taught by any of the cited references individually or in combination, the rejections involving the handle shape based upon Cacicudo, Bloom, Eberle and Dishner are not be individually addressed in detail. None of the cited references disclose the claimed handle shape. Applicant's cross-sectional shape is the same along its entire length. In Cacicudo the shape changes as it tapers from top to bottom. In Bloom there are no flat sides and it tapers from top to bottom. In Eberle the radius of both rounded edges are the same. In Dishner again the radius of both rounded edges are the same.

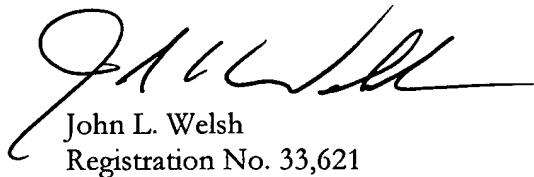
It has now been shown that the rejections based upon Radakovich and Takeuchi are improper and not obvious. Further, it has been shown that even if combined the resulting combination does not produce Applicant's claimed invention, but in fact destroys both Radakovich and Takeuchi. Therefore, the outstanding rejections should be withdrawn and the application passed to issuance.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

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If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact Applicant's representative at the below number.

Respectfully submitted,



John L. Welsh
Registration No. 33,621

WELSH & FLAXMAN LLC
2450 Crystal Drive
Suite 112
Arlington, Virginia 22202
Telephone: (703) 920-1122